

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

RODNEY JOHNSON,)	CASE NO. 1:09cv2959
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	MEMORANDUM OPINION
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
DEFENDANT.		

Before the Court is the report and recommendation of the Magistrate Judge in the above-entitled action. (Doc. No. 21.) Under the relevant statute:

[. . .] Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C). In this case, the fourteen-day period has elapsed and no objections have been filed. Additionally, defendant represented that he does not intend to file any objections. (Doc. No. 22.) The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge's report and recommendation and adopts the same. Accordingly, the Commissioner's final decision denying the application of plaintiff for Disability Insurance Benefits is **REVERSED**. The matter shall be **REMANDED**,

pursuant to Sentence Four of 42 U.S.C. § 405(g), for additional consideration by the Commissioner in a manner consist with the Magistrate Judge's report and recommendation, Social Security Administration regulations, and applicable case law.

IT IS SO ORDERED.

Dated: December 30, 2010



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE